

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE ORDER NO. R9-2004-0409

WASTE DISCHARGE REQUIREMENTS
FOR THE
RAMONA UNIFIED SCHOOL DISTRICT
HANSON ELEMENTARY SCHOOL
SAN DIEGO COUNTY

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The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. On June 3, 2004, the Ramona Unified School District (hereinafter discharger) submitted to this Regional Board an incomplete Report of Waste Discharge for the treatment of domestic wastewater generated at the newly constructed Hanson Elementary School on Boundary Avenue in Ramona. The discharger submitted a complete Report of Waste Discharge on September 2, 2004.
2. The school, which has already been constructed and plans to open in January 2005, is located on the northernmost 24.1 acres of the 54-acre parcel procured by the discharger. The school will serve approximately 750 students and have a faculty of 60 persons. The wastewater treatment system is to be located at the northernmost portion of the school near Boundary Avenue and the subsurface drip disposal system is to be located approximately 2,000 feet away at the south end of the school.
3. The Report of Waste Discharge (RWD) describes the proposed wastewater treatment and disposal system as consisting of one 2,000-gallon grease interceptor for the cafeteria, a 12,000-gallon primary settling tank (septic tank), four P80 Pirana denitrification units placed in the primary settling tank, two AX100 packed bed trickling filters, one 5,000 gallon recirculation tank, one 5,000 gallon dosing tank, and a subsurface drip disposal system. The purpose of the dosing tank is to provide a uniform flowrate of treated wastewater from the treatment system to the subsurface drip disposal system to control soil moisture. The disposal field is to be divided into four drip irrigation zones located at the southern end of the school. A chain link fence will be constructed around the disposal fields to prevent vandalism and trespassing. The design flow for the treatment system is 3,645 gallons per day. The wastewater is to be treated to

secondary treatment levels but will not be used for reclamation purposes. Solids will be removed on an annual basis, and more frequently as needed depending on solids build-up. All septage (septic tank sludge) will be pumped and hauled for disposal by a licensed hauler.

4. The discharger has indicated that the subsurface drip disposal system is designed with the capability to rotate disposal zones as needed. This procedure will ensure even distribution of wastewater throughout the leach field and avoid over saturation of a particular area. The effluent is dispersed from the subsurface emitters via pressure.
5. The discharger has indicated that the treatment and disposal system will be unaffected by adverse weather, such as a prolonged rain event and/or rising groundwater. Models provided by the discharger using 100-year flood conditions illustrate that the required five-foot separation distance from groundwater will be maintained in such an event and that precautions have been taken to seal the treatment components against inflow and infiltration.
6. In accordance with Section 2200, Title 23 of the California Code of Regulation, the threat to water quality and complexity of the treated wastewater discharge from the treatment system is determined to be category 3B.
7. This Regional Board, acting in accordance with Section 13244 of the California Water Code, adopted the Water Quality Control Plan for the San Diego Basin (9), (hereinafter Basin Plan) on September 8, 1994. The Basin Plan was subsequently approved by the State Water Resources Control Board (SWRCB) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Board and approved by the SWRCB. The Basin Plan contains beneficial uses and water quality objectives.
8. All wastewater discharges from the proposed wastewater treatment facilities are located within the Ramona Hydrologic Sub-Area (HSA 905.41) of the Santa Maria Valley Hydrologic Area (HA 905.40) of the San Dieguito Hydrologic Unit (HU 905.00). The Basin Plan established municipal and domestic supply, agricultural supply, industrial service supply, and industrial process supply as existing beneficial uses of groundwater in HSA 905.41.
9. The Basin Plan states that waters designated for use as domestic or municipal supply shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels specified in the California Code of Regulations, Title 22, Table 64449-A of Section 64449 (Secondary Maximum Contaminant Levels, Consumer Acceptance Limits), incorporated by reference, including future changes to the incorporated provisions as the changes take effect. Additionally the Basin Plan establishes the following groundwater quality objectives for HA 905.40, which includes HSA 905.41:

BASIN PLAN GROUNDWATER WATER QUALITY OBJECTIVES													(mg/L or as noted)
(Concentrations not to be exceeded more than 10% of the time during any one year period)													
HYDROLOGIC AREA	TDS	Cl	SO ₄	%Na	NO ₃	Fe	Mn	M B A S	B	O D O R	TURB (NTU)	COLOR (UNITS)	F
907.40 Santa Maria Valley	1000	400	500	60	10	0.3	0.05	0.5	0.75	None	5	15	1.0

10. A discharge in compliance with this Order will be consistent with the standards, policies, and regulations established in the Basin Plan for the achievement of water quality objectives.
11. In establishing the performance requirements contained herein the Regional Board considered water quality data supplied in the RWD and the assimilative capacity of the soil and groundwater to ensure that groundwater would not exceed Basin Plan water quality objectives beyond the limits of the disposal area property.
12. In establishing the requirements contained herein the Regional Board considered factors including, but not limited to, the following:
 - a. Beneficial uses to be protected and the water quality objectives reasonably required for that purpose,
 - b. Other waste discharges,
 - c. The need to prevent nuisance,
 - d. Past, present, and probable future beneficial uses of the hydrologic subunits under consideration,
 - e. Environmental characteristics of the hydrologic subunits under consideration,
 - f. Water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area,
 - g. Economic considerations,
 - h. The need for additional housing within the region.
13. The discharger filed a notice of determination with the County Recorder's office on October 11, 2000. The Notice of Determination indicated that, based on the findings of the Negative Declaration prepared for the project pursuant to the provisions of the California Environmental Quality Act (CEQA), the project will not have a significant impact on the environment.

14. An onsite wastewater treatment system of this capacity is subject to the federal Underground Injection Control regulations per the Safe Drinking Water Act. Any septic system with the capacity to serve 20 or more persons per day is classified as an injection well under these regulations. As such, the system upon construction is required to submit inventory information regarding the discharge and legal responsibility for the controlling of the discharge to the USEPA.
15. The discharger has indicated that it will contract the daily operations and maintenance of the treatment facility with an outside contractor with extensive experience in onsite wastewater systems and operators that are certified in wastewater treatment.
16. This Regional Board has considered all water resource related environmental factors associated with the proposed discharge of waste from the proposed treatment system.
17. This Regional Board has notified the discharger and all known interested parties of the intent to prescribe waste discharge requirements for the proposed discharge.
18. This Regional Board in a public meeting has heard and considered all comments pertaining to the proposed discharge of waste from the treatment system.

IT IS HEREBY ORDERED THAT, the Ramona Unified School District (hereinafter discharger), in order to meet the provisions contained in Division 7 of the California Water Code and Regulations adopted thereunder, shall comply with the following requirements for the discharge from the wastewater treatment facilities to HSA 905.41.

A. PROHIBITIONS

1. Discharge of wastes and sewage sludge and solids to lands that have not been specifically described in the Report of Waste Discharge and for which valid waste discharge requirements are not in force are prohibited.
2. Discharges of treated or untreated solid or liquid waste to a navigable water or tributary of a navigable water are prohibited unless as authorized by an NPDES permit issued by this Regional Board.
3. Neither the treatment, storage nor disposal of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code.
4. The discharge of treated wastewater shall not cause a violation of the prohibitions contained in the Basin Plan (see Attachment No. 1).
5. There shall be no discharge of sewage solids at the disposal site.

6. There shall be no ponding of discharged effluent or surface flow away from the disposal area.
7. Total effluent flow to the subsurface drip disposal system in excess of 3,645 gallons over any 24-hour period is prohibited.
8. All injection wells are prohibited from disposing of fluids in a manner that may endanger underground sources of drinking water (see 40 CFR part 144.12.).

B. PERFORMANCE REQUIREMENTS

1. Groundwater samples taken from all compliance monitoring wells¹ shall not contain constituents in excess of the following limitations:

CONSTITUENT	DAILY MAXIMUM ² (mg/L)	12-MONTH AVERAGE ³ (mg/L)
Total Dissolved Solids (TDS)	1785	889
Nitrate (as NO ₃)	18	9
Boron	1.3	0.67
Chloride	714	356
Sulfate	892	445
Manganese	0.089	0.044
Fluoride	1.78	0.89
Methylene Blue Active Substances (MBAS)	0.89	0.44
Iron (Fe)	0.54	0.27

1 Compliance monitoring wells specified in Monitoring and Reporting Program No. R9-2004-0409.

2 The daily maximum effluent limitation shall apply to the results of a single composite or grab sample.

3 The 12-month average effluent limitation shall apply to the arithmetic mean of the results of all samples collected during any 12 consecutive calendar month period.

2. All wastewater treatment and disposal facilities shall be maintained to remain effective in treating wastewater to meet the performance requirements contained in Section B.1 above.
3. Where the percolation rate is less than 5 minutes per inch and there is less than three feet separation to seasonal high groundwater, the effluent shall be disinfected to achieve a reduction of coliform bacteria of not greater-than 200 MPN per 100 milliliters prior to discharge to the dispersal field.

4. No part of the subsurface drip disposal system shall be closer than 150 feet to any water supply well or closer than 100 feet to any stream, channel, or other water source.

C. FACILITY DESIGN AND OPERATION SPECIFICATIONS

1. PROPER OPERATION

The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.

2. CERTIFICATION REPORT

The wastewater treatment and disposal facilities shall be completely constructed and operable prior to the initiation of the discharge. The completed facilities shall have adequate capacity for the full design flow of 3,645 gallons per any 24-hour period. A report from the design engineer certifying the adequacy of each component of the treatment, storage, and disposal facilities shall be submitted by the discharger prior to commencement of the discharge. The certification report shall contain a requirement-by-requirement analysis based on acceptable engineering practices, of how the process and physical designs of the facilities will ensure compliance with the waste discharge requirements. The certification report shall also contain an operation and maintenance manual for the wastewater treatment facilities. The design engineer shall affix their signature and engineering license number to the certification report and should submit it prior to construction of the facilities. Prior to the initiation of the discharge, the following requirements shall be met:

- a. The certification report is received and approved by the Regional Board Executive Officer,
- b. The Regional Board Executive Officer has been notified of the completion of facilities by the discharger,
- c. An inspection of the facilities has been made by staff of the Regional Board, and
- d. The Regional Board Executive Officer notifies the discharger by

letter that discharge can be initiated.

3. SYSTEM SPECIFICATIONS

The treatment and dispersal systems shall comply with the following:

- a. The dispersal system(s) shall have at least three feet of continuous soil below the bottom of the dispersal system and above the seasonal high groundwater level or fractured/weathered bedrock.
- b. Pump systems used to convey effluent from the treatment system to the dispersal system shall be equipped with alarms that notify the discharger in the event of pump failure. All pump systems shall, at a minimum, provide for storage during a 24-hour power outage or pump failure.
- c. Tanks, risers and lids shall be structurally sound, watertight and store wastes in a manner that will not create odors or vector attraction.

4. WET WEATHER FACILITIES

The discharger shall provide adequate facilities to treat or dispose of wastewater, or use alternative methods of disposal such as hauling wastewater by a certified waste hauler during and after periods of rainfall when disposal by subsurface irrigation cannot be successfully practiced due to surfacing effluent and to prevent the discharge of treated or untreated wastewater to any surface water body.

5. OPERATION MANUAL

A copy of the facility operations manual shall be maintained at the discharger's facility and shall be available to operation personnel and Regional Board staff at all times. The operations manual shall include, but not be limited to:

- a. Instructions for proper use of the on-site wastewater treatment system (OWTS),
- b. Name, address, and telephone number of an emergency contact person,
- c. Design flow and performance requirements for the OWTS,
- d. Narrative description of the OWTS that includes: major components and their functions and design capacity,
- e. Monitoring requirements to assess system performance,
- f. Maintenance requirements, including maintenance frequency;

- g. A list of substances that if discarded into the OWTS would impair performance, and
- h. Where appropriate, the operation manual shall include the following additional information:
 - (1) A trouble-shooting guide,
 - (2) A list of safety precautions directly related to the OWTS, and
 - (3) An emergency response procedure when problems occur (e.g., in response to an alarm indicating a malfunction).

6. FLOOD PROTECTION

All waste treatment, storage and disposal facilities shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.

7. RUNOFF PROTECTION

All wastewater storage facilities shall be protected against erosion, overland runoff, and other impacts resulting from a 100-year, 24-hour frequency storm.

8. MONITORING AND REPORTING

The discharger shall comply with the attached Monitoring and Reporting Program No. R9-2004-0409, and future revisions thereto as specified by the Executive Officer. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. R9-2004-0409.

D. BIOSOLIDS SPECIFICATIONS

- 1. Management of all solids and sludge must comply with all applicable requirements of 40 CFR Parts 257, 258, 501 and 503; CWA Part 405(d), and Title 27, CCR, including all monitoring, record keeping and reporting requirements. Since the State of California, hence the State and Regional Boards, has not been delegated the authority by the USEPA to implement the sludge program, enforcement of sludge requirements of CFR Part 503 is under USEPA's jurisdiction. Once sludge leaves a facility, it is subject to all applicable local, state and federal laws and regulations.
- 2. All collected septage, sludge, and other solids removed from the treatment system shall be collected by a licensed waste hauler and transported to a treatment facility approved to receive and process septage.
- 3. Solids and sludge storage shall not create a nuisance, such as

objectionable odors or flies, and shall not result in groundwater contamination.

4. The discharger shall submit a copy of each of the annual reports required by 40 CFR 503 to this Regional Board Executive Officer at the same time those reports are submitted to USEPA. The discharger shall also submit an annual report of the quantity and disposition of sludge generated in the previous calendar year.

E. STANDARD PROVISIONS

1. DUTY TO COMPLY

The discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised waste discharge requirements.

2. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to do the following:

- a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this Order,
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order,
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this Order, and
- d. Sample or monitor, at reasonable times for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

3. CIVIL MONETARY REMEDIES

The California Water Code provides that any person who intentionally or negligently violates any waste discharge requirements issued, reissued, or amended by this Regional Board shall be liable civilly in accordance with

California Water Code section 13350 (d), (e), or (f).

4. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and is subject to a civil liability in accordance with California Water Code section 13268.

5. ENDANGERMENT OF HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance that may endanger health or the environment. Any such information shall be provided orally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Officer within 24 hours:

- a. Any bypass from any portion of the treatment facility. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility to other than a sewer system.
- b. Any treatment facility upset that causes the performance requirements of this Order to be exceeded. These incidents shall also be reported orally to the State DHS and County DEH within 24-hours of the incident.

6. CORRECTIVE ACTION

The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

7. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies for example, when the primary source of power of the treatment facility is failed, reduced, or lost.

8. HAZARDOUS RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Director of Environmental Health Services, County of San Diego in accordance with California Health and Safety Code section 5411.5 and the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the discharger is in violation of a prohibition in the applicable Water Quality Control Plan.

9. PETROLEUM RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the

discharge is in violation of a prohibition in the applicable Water Quality Control Plan.

10. PERMIT REPOSITORY

A copy of this Order shall be maintained at the discharger's facility and shall be available to operating personnel at all times.

11. RETENTION OF RECORDS

The discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

12. GENERAL REPORTING REQUIREMENT

The discharger shall furnish to the Executive Officer of this Regional Board, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Executive Officer, upon request, copies of records required to be kept by this Order.

13. PERMIT REVISION

This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Order.
- b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

14. CHANGE IN DISCHARGE

The discharger shall file a new Report of Waste Discharge at least 120 days prior to the following:

- a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the wastes.
- b. Significant change in the treatment or disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste).
- c. Change in the disposal area from that described in the findings of this Order.
- d. Increase in flow beyond that specified in this Order.
- e. Other circumstances that result in a material change in character, amount, or location of the waste discharge.
- f. Any planned change in the regulated facility or activity that may result in noncompliance with this Order.

15. CHANGE IN OWNERSHIP

This Order is not transferable to any person except after notice to the Executive Officer. The discharger shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new Recycled Water Agency is liable from the transfer date on. The Regional Board may require modification or revocation and reissuance of this Order to change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code.

16. INCOMPLETE REPORTS

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

17. REPORT DECLARATION

All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:

- a. The Report of Waste Discharge shall be signed as follows:
 - (1) For a corporation - by a principal Executive Officer of at least the level of Vice-President.
 - (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - (3) For a municipality, state, federal or other public agency - by either a principal Executive Officer or ranking elected official.
- b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if all of the following are true:
 - (1) The authorization is made in writing by a person described in paragraph (a) of this provision,
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, and
 - (3) The written authorization is submitted to the Executive Officer.
- c. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

18. REGIONAL BOARD ADDRESS

The discharger shall submit reports required under this Order or other information required by the Executive Officer to the following address:

POTW Compliance Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123

F. SPECIAL PROVISIONS

1. Sufficient land area shall be reserved for possible future 100 percent replacement of the disposal areas, seepage pits or leach fields, until such time as this facility is connected to a municipal sewerage system. Replacement pits shall be installed in accordance with Title 22, Chapter 16, Section 64630, the Water Works Standards of the California Water Code.
2. Adequate measures shall be taken to assure that unauthorized persons are effectively excluded from contact with the wastewater and treatment and disposal systems.
3. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.

G. NOTIFICATIONS

1. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state or local laws, nor create a vested right for the discharger to continue the waste discharge.

2. U.S. EPA REVIEW

These requirements have been reviewed by the United States Environmental Protection Agency, Ground Water Office. However, these requirements are not issued pursuant to section 402 of the Clean Water Act.

3. SEVERABILITY

The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected

thereby.

4. EFFECTIVE DATE

This Order becomes effective on the date of adoption by the San Diego Regional Board.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on December 8, 2004.

TENTATIVE

JOHN H. ROBERTUS
Executive Officer